REMARKS

The present invention is an electronic radiotelephone. An embodiment of the invention includes a first housing 2 and a second housing 5 for housing the electronic components 11 of the radiotelephone. A biasing mechanism, which may be a spring 37, aids a user to release the second housing from the first housing. The first housing has an element, which may be a release button 26 with an operating surface 30, and a formation which cooperates with a complementary formation on the second housing for the user to releasably attach the first housing to the second housing. The element 26 is movable between a first and a second position such that when the element is in the first position, the formation and the complementary formation cooperate to allow the first housing to be coupled to the second housing and when in the second position, to allow the second housing to be removed from the first housing by the user. The element is resiliently compression biased by the biasing mechanism into the first position and allows a user to urge the element, via the operating surface, into the second position during the removal of the second housing from the first housing to act against the compression bias provided by the biasing mechanism and to release the cooperation of the formation and complementary formation thereby allowing the second housing to be removed from the first housing by the user without interference from the element. Page 6, lines 11-25, describe compression of the leaf spring when the covers are attached and further, the spring bias causing the cover 2 to be urged away from the cover 5.

Claims 1-4, 6 and 7 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patents 6,226,501 (Weadon et al) in view of

United States Patent 5,732,331 (Harms). These grounds of rejection are traversed for the following reasons.

The Examiner relies upon column 4, lines 10-31, of Weadon et al. What is described therein is a flip cover 40 with door member 45 which is pivotally attached to the housing 12 via pivot arms 41 and 41'. The Examiner further states that lines 20-31 disclose the element, which is presumably the flip cover, being resiliently biased into the first position.

The Examiner acknowledges that "Weadon do not specifically disclose...releasably attaching the first housing to the second housing." Column 1, line 63 through column 2, line 11, of Harms is cited by the Examiner as disclosing "an electronic radiotelephone comprising a first and a second housing for housing the electronic components of the radiotelephone for releasably attaching the first housing to the second housing with an element being movable between a first and a second position such that when the element is in the first position, the formation and complementary formation are arranged to cooperate to allow the first housing to be coupled to the second housing and when in the second position, allow the second housing to be removed from the first housing; or allowing the second housing to be removed from the first housing without interference from the element". Harms does describe a radiotelephone in which the flip portion 14 is removable from the main housing 12. This mechanism is best seen in Figs. 4, 5 and 6 with Fig. 6 showing the spreading of the slot 34 to permit removal.

However, claim 1 recites "a radiotelephone comprising...a biasing mechanism to aid a user to release the second housing from the first housing; the first housing having an element with an operating surface and a formation which cooperates with

a complementary formation on the second housing for the user to releasably attach the first housing to the second housing...; the element being resiliently compression biased by the biasing mechanism into the first position and allows a user to urge the element, via the operating surface, into the second position during the removal of the second housing from the first housing to act against the compression bias provided by the biasing mechanism and to release the cooperation of the formation and complementary formation..." This subject matter is <u>not</u> taught by Weadon et al alone or in combination with Harms. It is submitted that there is nothing analogous to a compression bias in either Weadon et al or Harms. Accordingly, the only basis why a person of ordinary skill in the art would be led to modify the teachings of Weadon et al and Harms would be by impermissible hindsight.

Claim 7 further limits claim 1 as further comprising "means for urging the second housing away from the first housing to aid the removal of the second housing from the first housing". It is noted that while the Examiner has rejected dependent claim 7 over the combination of Weadon et al in view of Harms, there is no discussion in substance of the aforementioned means. Moreover, it is noted that the connection of the Weadon et al door element 45 is not described as being pivoted by a mechanism corresponding to the claimed means for urging the second housing away from the first housing to aid the removal of the second housing from the first housing. If the Examiner persists in the stated grounds of rejection regarding claim 7, it is requested that he point out on the record what portion of either Weadon et al or Harms upon which the claimed means for urging is read upon.

Claim 5 stands rejected under 35 U.S.C. §103 as being unpatentable over Weadon et al in view of Harms further in view of United States Patent 5,507,013 (Weadon et al). The secondary Weadon patent has been cited as teaching a flexible hinge. Accordingly, even if the proposed combination were made, the deficiencies noted above with respect to the combination of Weadon in view of Harms would not be satisfied. Accordingly, it is submitted that claim 5 is patentable.

Claims 8 and 9 stand rejected under 35 U.S.C. §103 as being unpatentable over Weadon in view of Harms further in view of United States Patent 6,353,733 (Murray et al). These grounds of rejection are traversed for the following reasons.

Claim 8 further limits claim 7 in defining the means for urging as "comprising a spring associated with the first housing which is compressed when the first and second housings are coupled" and claim 9 further limits claim 7 in defining the means for urging as "comprising a spring associated with the second housing which is compressed when the first and second housings are coupled." The Examiner states, "Murray [discloses] a radiotelephone wherein comprising a spring associated with the first and second housing and arranged to be compressed when the first and second housings are coupled (see col. 10, lines 10-12)". The cited portion of Murray et al describes a release 20 which is spring biased by a compressed spring 185. As is stated in column 10, lines 2-5, depression of the release 20 allows the locking component 85 to be traversally displaced out of the slotted aperture 85A. It is therefore seen that the compressed spring 185 of Murray, upon which the Examiner relies, does not have anything to do with the claimed means for urging as recited in claims 7-9. Accordingly, if the proposed combination of Weadon et al, Harms, and Murray et al was made, the subject matter of claims 8 and 9 would not be achieved.

Furthermore, it should be noted that Murray does not cure the deficiencies noted above with respect to the combination of Weadon et al and Harms as discussed in the rejection of claims 1-4 and 6 and 7.

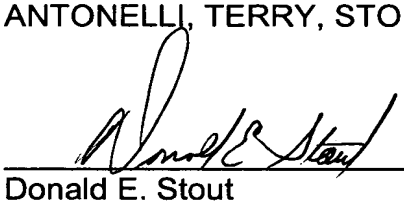
Claims 10 and 11 stand rejected under 35 U.S.C. §103 as being unpatentable over Weadon et al in view of Harms, further in view of United States Patent 4,719,322 (Guzik et al). Guzik et al have been cited as teaching a means for urging comprising a rubber seal associated with the first and second housing. The Examiner relies upon the description of the prior art where it is stated that "[t]he outer housing can be made waterproof by use of a rubber 'O' ring seal between the keypad module and the outer housing". It should be noted that the aforementioned portion upon which the Examiner relies does not describe any urging function. While there might in fact be some small degree of compression associated with an O ring seal to make it operate properly, there is no suggestion that the means for urging recited in claims 10 and 11, which is defined in claim 7 as urging the second housing away from the first housing to aid the removal of the second housing from the first housing, is present. The O ring seal described in the prior art section of Guzik et al does not perform the cited function. Accordingly, it is submitted that even if the proposed combination of Weadon et al in view of Harms and Guzik et al was made, the subject matter of claims 10 and 11 would not be achieved.

Claims 12-21 further limit claims 1-11 in reciting an interior volume disposed between the first and second housing which houses electronic components of the radiotelephones." This subject matter is not suggested by the references of record.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (367.40103X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

DES:dlh